

RECEIVED  
in Clerk's Office

JUN 20 2019

U.S. District Court  
Middle District of TNRicky Joe Gennoe

Plaintiff(s),

v.

See attached paper

Defendant(s).

Case Number #3:19-cv-00478Judge Aleta A. Trauger

Magistrate Judge \_\_\_\_\_

Initial Complaint

(Type of Pleading)

#1 On February 5<sup>th</sup>, 2019 I the plaintiff was an inmate of the state of Tennessee being housed at a Core Civic of America ran Facility by the name of Trousdale Turner Correctional Complex in Hartsville, TN.

#1

On February 5<sup>th</sup>, 2019 I the plaintiff was housed in cell # A-A-231 in Segregation with a cellmate by the name of Cody Binkly.

#2

On February 5<sup>th</sup>, 2019 in the early morning hours around 4-5:00 A.M. I the plaintiff was sexually assaulted by my cellmate Cody Binkly after being drugged by him earlier in the night. It was forcefully and unwanted.

Attached paper

Defendant(s)

- Defendant #1

Russell Washburn

Warden

- Defendant #2

Yolanda Pittman

Assistant Warden

- Defendant #3

Joe Garland

Captain

- Defendant #4

Scottie Roach

Sergeant

- Defendant #5

Chris Brunn

YDOC Monitor

- Defendant #6

Dr. Scott Schuch

mental health Doctor

- Defendant #7

FNU Reed

mental health Counselor

- Defendant #8

FNU Pickett

PREA Co-ordinator

#3

On February 5<sup>th</sup>, 2019 at around 8:00 A.M. I the plaintiff did stop defendant Sergeant Scottie Roach at my cell door at A-A-231, at which time I the plaintiff slid a note to the defendant Scottie Roach telling him that I had been sexually assaulted, and needed him to either bring me the phone to report the assault to PREA, or him report the Sexual Assault to PREA for me. Defendant Scottie Roach smiled and walked off. Leaving me housed in the cell A-A-231.

#4

On February 5<sup>th</sup>, 2019 Later in the mid-day hours, I the plaintiff did see Defendant Sergeant Scottie Roach enter A-A-pod. At which time I got his attention once again, and ask him if he had taken care of the issue on the note earlier in the day? Defendant Sergeant Scottie Roach responded by saying that it was not his problem, made an obscene gesture then walked out of the pod leaving me housed in A-A-231 with the aggressor of the assault. So I then filed a grievance over the matter.

#5

On February 6<sup>th</sup>, 2019 after being housed in the cell

with the aggressor from the sexual assault for over 24 hours, ~~I~~ the plaintiff did stop the Mental health Counselor Defendant Reed at my cell door A-A-231 at around 3:30 p.m. and ask him over and over to please pull me out of the cell and speak to me, ~~I~~ advised Defendant Reed that it was very important and urgent. He told me no, that he would on the following Friday which was 2-8-19, and then walked off.

#6  
on February 8<sup>th</sup>, 2019 3 days after me being sexually assaulted by my cellmate, ~~I~~ was still housed in A-A-231 with him. At around 1:00 p.m. Defendant Reed had the pod officer restrain me and pull me out of the cell to go talk to him in his office in the Center Core of A-Building. after sitting me down into Defendant Reeds office the officer walked out and shut the door. ~~I~~ the plaintiff immediately ask Defendant Reed to Contact PREA, that ~~I~~ had been sexually assaulted by my cellmate 3 days earlier.

#7  
On February 8<sup>th</sup>, 2019 at around 1:15 p.m. Defendant Reed

got on the phone and contacted Defendant Pickett the PREA Co-ordinator and reported the sexual assault that happened to me (the plaintiff) on 2-5-19. At that time Defendant Pickett had Defendant Reed to ask me if I had taken a shower, or cleaned myself up since the sexual assault? And the details of the assault. I the plaintiff did tell Defendant Reed to assure Defendant Pickett that I had not taken a shower, or cleaned up, and that I was bleeding from my rectum, plus it was burning when I tried to urinate. Defendant Reed did relay the comments to Defendant Pickett.

#8

on February 8<sup>th</sup>, 2019 at around 1:30 p.m. Defendant Pickett told Defendant Reed to have Defendant Sergeant Scottie Roach escort me directly to Medical to be examined, I then told Defendant Reed to tell Defendant Pickett that Defendant Sgt. Scottie Roach had refused to report the sexual assault. Defendant Reed told Defendant Pickett, then hang the phone up.

#9

On February 8<sup>th</sup>, 2019 around 1:40 p.m. I the plaintiff with Defendant Reed walked out of his office in

Center Core of A-Building to Find Defendant Scottie Roach, we stopped at the pod door of A-A-pod and Defendant Reed had the pod officer call Defendant Roach on the radio and advise him that Defendant Pickett told him to escort me directly to Medical. The pod officer did, and Defendant Roach refused to escort me to Medical, instead he then contacted Defendant Cpt. Joe Garland to come see me.

#10

on February 8<sup>th</sup>, 2019 at around 1:50 p.m. while me the plaintiff still restrained was standing in the Center Core of A-Building along side Defendant Reed and a few officers who work in the building also. Defendant Cpt. Joe Garland along with the yard Sargeant entered A-Building through the main entrance cursing and using a lot of profanity. while screaming asking who was trying to file a PREA? Defendant Reed advised him that I was the one filing a PREA. At that time Defendant Cpt. Joe Garland escorted me back into Defendant Reeds office there in A-Building Center Core. and advised the others to wait in Center Core. After me and Defendant Cpt. Joe Garland entered

the office, Defendant cpt. Joe Garland Shut the door and got up in my face and Said to me, that I didn't know him, He would take my head off right now, I Said to him, Sir. why would you want to do that, I was the one who was raped, you should talk to the aggressor that way. Defendant Cpt. Joe Garland told me while being very loud that I was a liar, that is the first time I told him that I needed to be seen by medical I was bleeding from my rectum, and having serious problems urinating. Defendant Garland Said he didn't care. Then the office door opened and Defendant Garland told the yard Sargeant to walk me into the center core and wait while he made a call. And I was taken into center core by the yard Sargeant with Defendant Reed and a few pod officers of A-Building.

#11

On February 8<sup>th</sup>, 2019 around 2:00 p.m. while I the plaintiff, and Defendant Reed, the yard Sargeant and three pod officers where standing in A-Bldg. Center Core, Defendant Joe Garland Came out of the office and told me that I was not going

to be taken to medical to be examined, and that he was not filing a PREA, He then said that I was a liar, and if I was Raped why didn't I beat the aggressor up ?

I then advised him that I was bleeding from my rectum, and trouble urinating again for the second time, Defendant Garland told me in front of all the others that because I had eaten food, and used the restroom. I couldn't go be examined by medical. I begged, but he said no, and shut up. Defendant Garland then told A-pod officers to move me out of the cell with the aggressor, and move me down stairs in the same pod. Then he left the Building.

#12

On February 11<sup>th</sup>, 2019. I was housed now in A-A-113 and around 8:30 A.M. I stopped Defendant Warden russell Washburn at my door and advised him of the sexual assault that had taken place on 2-5-19 and the facts that Defendant Roach, and Defendant Garland refused to report the rape to PREA, or have me examined by medical. I also advised Defendant Washburn that they had left me housed in A-A-pod

with the aggressor up stairs yelling obscene sexual threats, and offering to pay people to pop their doors open and get me. At that time Defendant Washburn took out his cellular phone and took a picture of my face sheet by my door, and assured me that he would look into it, then walked off. After asking the pod officer for a grievance for 4 days on 2-12-19 I finally got one, and filed it over the 2-8-19 issues.

#13

on February 13<sup>th</sup>, 2019 in the morning to Mid-day hours did stop Defendant Chris Brunn at my cell door at A-A-113 and advised him that I had been sexually assaulted, and that Defendant Roach, and Defendant Garland refused to report the rape to PREA and have me examined by Medical. Defendant Brunn then assured me that he would look into it, and walked off.

#14

on February 14<sup>th</sup>, 2019 I the plaintiff did fill out a Sick Call form to see mental health due to thoughts I was having due to the sexual assault that had occurred on me. Still have not been seen.

#15

on March 7<sup>th</sup>, 2019 I the plaintiff did fill out another sick call form to see mental health over the stress, and thoughts I was having. still not been seen to date.

#16

on March 21<sup>st</sup>, 2019 I the plaintiff did stop Defendant Reed Coming past my door and ask him to please have the mental health doctor see me over all the thoughts I had been having Since the rape. Defendant Reed Said that he would let Defendant Doctor Scott Schuch know to see me. and walked away. still to date not been seen.

#17

on March 30<sup>th</sup>, 2019 At around 11:30 p.m. I the plaintiff housed in A-A-229 directly beside the aggressor from the rape did eat razor blades attempting to Committ Suicide, after my collmate reported it to officer Ocompose, the officer called the nurse to my door, who then said that the Charge Nurse would be to speak to me, no one never came back to see me at all.

this incident was logged into A-A-pods log book by Officer Ocompose on that date.

#18

On April 11<sup>th</sup>, 2019 I the plaintiff did stop the Defendant Asst. Warden yolanda pittman at my cell door A-C-109, and spoke to her about the rape and everyone's refusal to report it, or to have me properly screened by medical. The Defendant yolanda pittman assured me that she had no prior knowledge of the incidents, and she was going to look into it. I then told the Defendant pittman that she had signed the grievances over the issues. She walked off.

#19

on April 16<sup>th</sup>, 2019 I the plaintiff was being seen by the medical provider for my chronic care, at which time I told the doctor about the attempted Suicide on 3-30-19, and he ordered an immediate X-Ray, and referred me to see the mental health doctor. Still not been seen by them to this date.

#20

on April 16<sup>th</sup>, 2019 at my cell door A-C-109 The

Defendant Mrs. Pickett did come to my door and personally ask me if I needed to be seen by mental health doctor over the life changing experience that I had suffered. And I told her yes I do need to be seen. Defendant Pickett walked off. Still till this date have not been seen by mental health at all.

#21

On April 24<sup>th</sup>, 2019 after being rehoused by Defendant Scottie Roach back to A-A-125 right directly under the aggressor of the rape from 2-5-19. I was being yelled at and threatened out loud by the aggressor, obscene sexual harassment and threats of a sexual nature were being screamed out through the doors, and the vent in my cell.

#22

On April 24<sup>th</sup>, 2019 at around 5:20 p.m. I did ask Sgt. Lopez to bring me the phone so that I could report the sexual harassment, and threats to PREA.? Sgt. Lopez went and contacted her supervisor Defendant cpt. Joe Garland and advised him what I was requesting, and once again

Defendant Garland denied me my right to Contact PREA. this was told to me by Sgt. Lopez later on the following day. I filed a grievance.

#23

On May 3<sup>rd</sup>, 2019 I the plaintiff did stop Defendant Reed at my Cell door at A-A-125 and ask him why the doctor over mental health has not seen me. Defendant Reed stated that he has told Defendant Dr Scott Schuch that I needed to see him, and Defendant Reed then assured me that I did not want to know what Defendant schuch said about me. and walked off.

#24

I the plaintiff have made numerous attempts to report the sexual assault that happen to me by my cellmate on 2-5-19 through all the Defendants in question, I have begged that medical examine me until it was to late to be examined, I have tried in every way to be seen by a mental health provider since the rape, I have asked on several occasions by word of mouth, and through in-house mail here to

all the named Defendants to please help me to put an incompatible against the aggressor of the rape "cody Binkly", and to place me into protective Custody due to death threats made by gang members who had been paid by the aggressors friend.

~~I~~ I have begged for Counceling after the rape through all sources here at this facility.

And Finally I have ask that all the retaliation by staff members here stop since filing all the grievances, and paperwork to U.S. Dept. of Justice.

Governor Lee, Senator Yager, Tennessee Dept. of Corrections, ACLU, Etc. (courts).

~~I~~ I have asked to be transferred to another facility for safety reasons that are known. But all my request have blatantly been denied, and the retaliation continues to date, still not seen mental health to date.

Still housed directly below the aggressor in A-A-pod in Segregation to date, taking a lot of Sexual Harassment, and threats to my life. and bogus disciplinary infractions for refusing Cell assignments every 20 days.

#27

After all this being said I do believe without a doubt that my Constitutional Rights Were Violated by refusal of medical, and mental health treatment, and by the refusal by all defendants for violating my federal PREA laws and guidelines by refusing to report and have the sexual assault investigated properly. This is why I have filed this 42 U.S.C § 1983 Complaint and Civil Suit against all defendants in their individual and official capacity.

#28

My statement of relief is that all defendants be reprimanded for their failure to follow all federal laws and protect Constitutional rights by color Code of the laws. I would also ask for actual and punitive damages for the physical, mental and emotional injuries that I have sustained by the violations of my Eighth and Fourteenth amendment Constitutional rights while being kept in Segregation, and my right to be free from sexual or physical assault. and or Harassment (PREA).

Ricky Joe Gennoe  
(Signature)

Ricky Joe Gennoe  
(Print Name)

140 Macon Way  
Hartsville, TN 37074

(No phone #)  
(Address & Telephone Number, if any)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the (pleading) Initial Complaint has been served on:

(Name) Russell Washburn  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Yolanda Pittman  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Joe Garland  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Scottie Roach  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Chris Brunn  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Doctor Scott Schuch  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Mr. Reed  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) Mrs. Pickett  
 (Address) 140 Macon way  
 (Address) Hartsville, TN 37074

(Name) \_\_\_\_\_  
 (Address) \_\_\_\_\_  
 (Address) \_\_\_\_\_

on the 17<sup>th</sup> day of June, 2019.

Ricky Joe Henne  
 Signature

Ricky Joe Gennoe  
T.T.C.C #284217  
140 Macon Way  
Hartsville, TN

37074



US POSTAGE  
\$01.45<sup>0</sup>  
First-Class  
Mailed From 37074  
06/17/2019  
032A 0061842601

RECEIVED  
in Clerk's Office  
JUN 20 2019  
U.S. District Court  
Middle District of TN

Clerk of U.S. District Court  
U.S. Courthouse, Room 800  
Nashville, TN

37203

Legal  
Mail  
Inside

JUN 18 2019

THE DEPARTMENT OF CORRECTION  
TDCJ HAS NEITHER INSPECTED  
NOR CENSORED AND IS NOT  
RESPONSIBLE FOR THE CONTENTS

Legal  
Mail  
Inside

